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August 19, 2004

Honorable Judith G. Dein, U.S. Magistrate Judge
United States District Court for the
District of Massachusetts
1 Courthouse Way, Suite 6410
Boston, MA 02210-9901

Re: Joel F. Holubar and Mariana H. Holubar v. Kent Kholberger, Chase-Freedman
Family Trust and M/Y Cherosa, in rem, Civil Action No. 03-CV-12404-NG,
United States District Court, Boston, Massachusetts

Dear Judge Dein:

The purpose of this letter is to inform the Court that the Motion of Defendant Chase-Freedman Family Trust for a Protective Order, filed August 13, 2004, need not be decided by the Court.¹ On behalf of the Trust, I ask that the Trust's Motion for Protective Order be withdrawn, *without prejudice*.

The Trust has reached an accommodation with plaintiffs to avoid burdening the Court with unnecessary discovery motion practice. The Trust does, however, reserve the right to renew the Motion if the conditions set forth below are not met.

1. A deposition of a representative of the Trust will take place, by agreement of the parties, at the offices of defendants' attorney, Edward C. Radzik, in New York City on Tuesday, August 24, 2004.

2. Plaintiffs have agreed to restrict their inquiry of the Trust to ownership and operation of the vessel Cherosa, and to the employment of the vessel's captain and crew. (Plaintiffs have agreed not to delve into matters such as the amount of the corpus of the trust, the location of the assets of the Trust, the identities of the beneficiaries of the Trust and other private matters not relevant to the issues in this case.)

¹ Defendants had requested that that motion be set for hearing on September 10, 2004 in conjunction with related discovery disputes and a status conference.

3. Plaintiffs have further stipulated to limit the deposition of the Trust to approximately two (2) hours.

Thank you.

Sincerely,



Curtis C. Pfunder

Enclosure

cc: Clerk, U.S. District Court
Kurt E. Bratten, Esq.
Bjorn J. Holubar, Esq.
Edward C. Radzik, Esq.